

- (3) For purposes of this subdivision, the term "small business" shall have the same meaning as set forth in Rule 102, except that no source which emits four tons or more per year of any non/attainment air contaminant or its precursor shall be a small business.
- (c) The decision shall be reduced to writing, served and filed within thirty (30) days after submission of the cause by the parties thereto, and shall contain a brief statement of facts found to be true, the determination of the issues presented, findings, and the order of the Hearing Board. A copy shall be mailed or delivered to the APCO, the petitioner, and to every person who has filed pleadings or who has appeared as a party in person or by counsel at the hearing. A copy of any decision granting, modifying, or otherwise affecting a variance shall be mailed to the State Air Resources Board within 30 days after the effective date of the decision.
- (d) Formal written Findings and Decision of the Hearing Board shall be prepared by the Hearing Board unless otherwise directed by order of the Hearing Board.
- (e) Whenever parties are directed to prepare the Findings and Decision of the Hearing Board, the Findings and Decision shall be submitted to the Hearing Board within fifteen (15) days after the date of the hearing. The Chairman of the Hearing Board may, upon a request by the preparer of the Findings and Decision, grant an extension of time not to exceed ten (10) days. Prior to submittal, the Findings and Decision shall be approved by the opposing party. When parties cannot agree to the form of the Findings and Decision, a hearing may be requested to determine the form of the Findings and Decision. The Clerk of the Hearing Board shall notify both parties by telephone of the date, time and location of the hearing.

[SIP: Deletion Challenged, U.S. 9th Cir. Case # 97-71117; Deleted 6/27/97 62 FR 34641, 40 CFR 52.220(c)(39)(iii)(F) and 40 CFR 52.220(c)(30)(x)(B); Approved 9/8/78, 43 FR 40011, 40 CFR 52.220(c)(39)(iii)(C); Approved 6/14/78, 43 FR 25684, 40 CFR 52.220(c)(30)(x)(A)]

(Adopted: 8/1/75; Amended: 10/21/97)

RULE 516

Effective Date Of Decision

Unless otherwise ordered, the decision of the Hearing Board shall become effective upon the concurring vote of three or more of its members.

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